

**ASSEMBLY BILL**

**No. 2438**

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**Introduced by Assembly Member Lowenthal**

February 21, 2014

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An act to amend Section 34501 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2438, as introduced, Lowenthal. Commercial motor vehicles: safe operation.

Existing law requires the Department of the California Highway Patrol to adopt reasonable rules and regulations that, in the judgment of the department, are designed to promote the safe operation of specified commercial vehicles, regarding, among other things, inspection and maintenance of vehicles.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 34501 of the Vehicle Code is amended  
2     to read:  
3     34501. (a) (1) (A) The department shall adopt reasonable  
4     rules and regulations that, in the judgment of the department, are  
5     designed to promote the safe operation of *the* vehicles described  
6     in Section 34500, regarding, but not limited to, controlled  
7     substances and alcohol testing of drivers by motor carriers, hours

1 of service of drivers, equipment, fuel containers, fueling operations,  
2 inspection, maintenance, recordkeeping, accident reports, and  
3 drawbridges. The rules and regulations shall not, ~~however,~~ be  
4 applicable to schoolbuses, which shall be subject to rules and  
5 regulations adopted pursuant to Section 34501.5.

6 ~~The~~

7 (B) *The* rules and regulations shall exempt local law enforcement  
8 agencies, within a single county, engaged in the transportation of  
9 inmates or prisoners when those agencies maintain other motor  
10 vehicle operations records ~~which~~ *that* furnish hours of service  
11 information on drivers ~~which~~ *who* are in substantial compliance  
12 with the rules and regulations. This exemption does not apply to  
13 ~~any~~ *a* local law enforcement agency engaged in the transportation  
14 of inmates or prisoners outside the county in which the agency is  
15 located; if that agency would otherwise be required, by existing  
16 law, to maintain driving logs.

17 (2) The department may adopt rules and regulations relating to  
18 commercial vehicle safety inspection and out-of-service criteria.  
19 In adopting the rules and regulations, the commissioner may  
20 consider the commercial vehicle safety inspection and  
21 out-of-service criteria adopted by organizations such as the  
22 Commercial Vehicle Safety Alliance , other intergovernmental  
23 safety group, or the United States Department of Transportation.  
24 The commissioner may provide departmental representatives to  
25 that alliance or other organization for the purpose of promoting  
26 the continued improvement and refinement of compatible  
27 nationwide commercial vehicle safety inspection and out-of-service  
28 criteria.

29 (3) The commissioner shall appoint a committee of 15 members,  
30 consisting of representatives of industry subject to the regulations  
31 to be adopted pursuant to this section, to act in an advisory capacity  
32 to the department, and the department shall cooperate and confer  
33 with the advisory committee so appointed. The commissioner shall  
34 appoint a separate committee to advise the department on rules  
35 and regulations concerning wheelchair lifts for installation and use  
36 on buses, consisting of persons who use the wheelchair lifts,  
37 representatives of transit districts, representatives of designers or  
38 manufacturers of wheelchairs and wheelchair lifts, and  
39 representatives of the Department of Transportation.

1 (4) The department may inspect any vehicles in maintenance  
2 facilities or terminals, as well as any records relating to the dispatch  
3 of vehicles or drivers; and the pay of drivers, to assure compliance  
4 with this code and regulations adopted pursuant to this section.

5 (b) The department, using the definitions adopted pursuant to  
6 Section 2402.7, shall adopt regulations for the transportation of  
7 hazardous materials in this state, except the transportation of  
8 materials ~~which~~ *that* are subject to other provisions of this code,  
9 that the department determines are reasonably necessary to ensure  
10 the safety of persons and property using the highways. The  
11 regulations may include provisions governing the filling, marking,  
12 packing, labeling, and assembly of, and containers that may be  
13 used for, hazardous materials shipments, and the manner by which  
14 the shipper attests that the shipments are correctly identified and  
15 in proper condition for transport.

16 (c) At least once every 13 months, the department shall inspect  
17 every maintenance facility or terminal of any person who at any  
18 time operates any bus. If the bus operation includes more than 100  
19 buses, the inspection shall be without prior notice.

20 (d) The commissioner shall adopt and enforce regulations ~~which~~  
21 *that* will make the public or private users of any bus aware of the  
22 operator's last safety rating.

23 (e) It is unlawful and constitutes a misdemeanor for ~~any~~ *a* person  
24 to operate any bus without the inspection specified in subdivision  
25 (c) having been conducted.

26 (f) The department may adopt regulations restricting or  
27 prohibiting the movement of any vehicle from a maintenance  
28 facility or terminal if the vehicle is found in violation of this code  
29 or regulations adopted pursuant to this section.